

Joint Standing Committee on Inland Fisheries and Wildlife

LD 307

An Act To Improve Recreational Watercraft Safety

PUBLIC 536

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ	H-850
	OTP-AM MIN	
	OTP-AM MIN	

LD 307 proposed to establish a recreational watercraft training and certificate program to promote the safe operation of watercraft in the waters of the State.

Committee Amendment "A" (H-850) proposed to prohibit a person 16 years of age or older and under 18 years of age from operating a personal watercraft unless that person has a person 18 years of age or older physically on the watercraft during operation or that person possesses proof of age and proof of having completed a boater safety course. This requirement would take effect January 1, 2007.

The amendment also proposed to direct the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to work together and with interested parties to study the feasibility of developing a statewide boater safety education program. The commissioners would be required to report their findings and recommendations to the Joint Standing Committee of Inland Fisheries and Wildlife and the Joint Standing Committee of Marine Resources by February 1, 2007.

Committee Amendment "B" (H-851) proposed to allow a person who is 15 years of age to operate a personal watercraft if that person had successfully completed a boater safety education course provided by the Department of Inland Fisheries and Wildlife or an organization approved by the Commissioner of Inland Fisheries and Wildlife.

Committee Amendment "C" (H-852) proposed to prohibit a person 16 years of age or older and under 18 years of age from operating a personal watercraft unless that person possessed on that person proof of age and proof of having completed a boater safety education course. It proposed to have this requirement take effect January 1, 2007.

Enacted law summary

Public Law 2005, chapter 536, beginning January 1, 2007, prohibits a person 16 or 17 years of age from operating a personal watercraft unless:

1. That person is accompanied on the personal watercraft by someone at least 18 years of age; or
2. That person while operating the personal watercraft possesses identification showing proof of age and proof of successful completion of an approved boater safety education course.

Public Law 2005, chapter 536 also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to work together and with other interested parties to study the feasibility of developing a statewide boater safety education program and to report back their findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources by February 1, 2007.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 354

An Act To Give Moose Permits to Members of the Wesget-Sipu Organization

ONTP

Sponsor(s)
JACKSON
MARTIN

Committee Report
ONTP

Amendments Adopted

LD 354 proposed to require the Commissioner of Inland Fisheries and Wildlife to issue a moose permit to every member of the Wesget-Sipu organization who requested a moose permit.

LD 477

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Determine the Feasibility of Integrating Certain Moose Management Practices between Tribal and Nontribal Lands

RESOLVE 131

Sponsor(s)
MOORE F

Committee Report
OTP-AM

Amendments Adopted
H-743

LD 477 proposed to establish a tribal sustenance moose hunting permit that would allow members of certain tribes to hunt moose on land owned by the State. It would require the Commissioner of Inland Fisheries and Wildlife to adopt rules to administer the permits and to protect the moose resource.

Committee Amendment "A" (H-743) proposed to direct the Department of Inland Fisheries and Wildlife to work with tribal members to determine the feasibility of providing moose hunting permits for use on nontribal lands. It would direct the department to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 17, 2007 and would authorize the committee to report out legislation to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 131 directs the Department of Inland Fisheries and Wildlife to work with tribal members to determine the feasibility of providing moose hunting permits to tribal members for use on nontribal lands without jeopardizing the State's moose management goals. Among other things it requires the department to consider authorizing the use of tribally issued moose permits on non-tribal lands and the issuance of moose permits by the department to tribal members. Resolve 2005, chapter 131 also directs the department to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 17, 2007 and authorizes that committee to report out legislation to the First Regular Session of the 123rd Legislature.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1695

An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State

**PUBLIC 465
EMERGENCY**

Sponsor(s)
MARTIN

Committee Report
OTP-AM

Amendments Adopted
S-435

LD 1695 proposed to correct an error that was made when Public Law 2005, chapter 456 removed the authority granted to the Commissioner of Inland Fisheries and Wildlife by Public Law 2005, chapter 1 to allow the operation of snowmobiles registered outside the State at special events occurring in the State.

Committee Amendment "A" (S-435) would restructure the bill to conform to the newly recodified Maine Revised Statutes, Title 12, Part 13.

Enacted law summary

Public Law 2005, chapter 465 corrects an error that was made when Public Law 2005, chapter 456 removed the authority granted to the Commissioner of Inland Fisheries and Wildlife by Public Law 2005, chapter 1 to allow the operation of snowmobiles registered outside the State at special events occurring in the State.

Public Law 2005, chapter 465 was enacted as an emergency measure effective February 1, 2006.

LD 1704

An Act To Amend the Laws Governing the Archery Hunting Season

ONTP

Sponsor(s)
WHEELER
STRIMLING

Committee Report
ONTP

Amendments Adopted

LD 1704 proposed to allow an expanded archery deer hunting season for deer in areas that are closed to firearm hunting and also proposed to allow the taking of 2 deer during the expanded archery deer hunting season, one antlered deer and one antlerless deer.

LD 1724

An Act To Control Alcohol in the Maine Woods

ONTP

Sponsor(s)
JOY

Committee Report
ONTP

Amendments Adopted

LD 1724 proposed to prohibit a person from hunting wild animals or wild birds while carrying intoxicating liquor.

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LD 1725

An Act To Enhance the Integrity of the Moose Lottery

ONTP

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1725 proposed to require the Commissioner of Inland Fisheries and Wildlife to review annually the rules concerning moose hunting and the moose hunting lottery to ensure that the lottery is applied fairly.

LD 1813

An Act To Allow Smelt Dipping in Mud Brook in Aroostook County

PUBLIC 547

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-806 S-524 BRYANT B
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LD 1813 proposed to allow the continuation of smelt dipping after 2005 in Long Lake in Aroostook County. The law authorizing smelt dipping in Long Lake expired on December 31, 2005.

Committee Amendment "A" (H-806) proposed to limit fishing for smelt with a dip net to a tributary of Long Lake called Mud Brook and would sunset this provision on January 1, 2008.

Senate Amendment "A" to Committee Amendment "A" (S-524) proposed to change the repeal date from January 1, 2008 to July 1, 2009.

Enacted law summary

Public Law 2005, chapter 547 allows a person to harvest no more than two quarts of smelt per day with a dip net from Mud Brook, a tributary of Long Lake in Aroostook County. It prohibits the harvest of smelt from Mud Brook for commercial purposes. Public Law 2005, chapter 547 is repealed on July 1, 2009.

LD 1819

An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park

PUBLIC 504

<u>Sponsor(s)</u> AUSTIN TURNER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-778
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LD 1819 proposed to prohibit the use of volunteer-earned funds of the Maine Wildlife Park to reduce overall state funding of the park.

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Enacted law summary

Public Law 2005, chapter 504 provides that volunteer-earned funds of the Maine Wildlife Park may not be used to reduce overall state funding of the park.

LD 1824 An Act To Improve Water Skiing Safety

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	ONTP MAJ OTP-AM MIN	

LD 1824 proposed to allow the use of a rear-view wide-angle mirror in lieu of an observer on a boat that is towing a person on water skis.

Committee Amendment "A" (H-829) proposed to provide a civil penalty for failing to have either an observer on board or a rear-view wide-angle mirror when towing a person on water skis or a similar device.

LD 1832 An Act To Prevent the Introduction of Pathogens into the State That Threaten the Health of Maine's Fish and Wildlife Resources

**PUBLIC 470
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-742

LD 1832 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to adopt rules to prohibit the transportation into the State of white-tailed deer, mule deer, elk, moose, caribou or any member of the deer family taken from a commercial hunting area in order to protect Maine's deer and moose population from chronic wasting disease.

Committee Amendment "A" (H-742) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to adopt rules to prevent the introduction of pathogens into the State that pose a significant risk to Maine's fish and wildlife resources.

Enacted law summary

Public Law 2005, chapter 470 authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to prevent the introduction of pathogens into the State that pose a significant risk to Maine's fish and wildlife resources.

Public Law 2005, chapter 470 was enacted as an emergency measure effective February 17, 2006.

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LD 1877 **An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter** **ONTP**

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1877 proposed to prohibit the use of personal watercraft on Colcord Pond and Bickford Pond in the Town of Porter.

LD 1895 **Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits** **ONTP**

<u>Sponsor(s)</u> JACKSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1895 proposed to direct the Commissioner of Inland Fisheries and Wildlife to amend the moose hunting rules to increase the number of moose permits available through the lottery by 500.

LD 1896 **An Act To Make License Requirements and Rules Consistent for Young Anglers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> BRYANT M BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-781
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LD 1896 proposed to allow nonresidents who are under 16 years of age to fish without a fishing license as is currently permitted for residents less than 16 years of age. This bill would conform with the Department of Inland Fisheries and Wildlife's efforts to make rules for fishing consistent.

Committee Amendment "A" (H-781) proposed to make a technical correction and make the bill effective on January 1, 2007.

LD 1922 **An Act To Amend the Laws Governing All-terrain Vehicles** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1922 proposed to provide an exception to that requirement for a situation in which the person has a deeded right-of-way to the land and that person is obligated to maintain the right-of-way. Under current law, a person may not operate an ATV on the land of another without the express permission of the landowner or lessee.

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Committee Amendment "A" (S-494) proposed to clarify that provisions in the Maine Revised Statutes, Title 12, section 13157-A requiring landowner permission before operating an ATV on that landowner's property may not be construed to affect the lawful rights of a person holding an easement or right-of-way over the land of another.

LD 1939

An Act To Revise Certain Fish and Wildlife Laws

**PUBLIC 477
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B WATSON	OTP-AM	S-446

LD 1939 proposed to make the following changes to fisheries and wildlife laws:

1. Change the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;
2. Change the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime and to increase the fine to a mandatory minimum fine of \$1,000 and at least 3 days in jail;
3. Clarify where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;
4. Clarify that the prohibition on possessing, selling or transporting an endangered or threatened species would apply to the parts of those species;
5. Provide a resident disabled veteran a complimentary migratory waterfowl permit, a bear hunting permit and a guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;
6. Clarify that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook;
7. Add snowmobiles and all-terrain vehicles to the provision of law regarding the admissibility in court of hospital test results when a person has been involved in an accident while operating a motor vehicle or watercraft under the influence;
8. Add .17 caliber firearms to the law prohibiting the use of .22 caliber firearms for hunting deer and moose;
9. Remove Long Lake Wildlife Management Area in Aroostook County from the list of designated wildlife management areas; and
10. Clarify that certain existing laws pertaining to hunting also apply to hunting with crossbows.

Committee Amendment "A" (S-446) proposed to allow a super pack licensee to harvest one deer during either the open firearm season or the special archery season or the special muzzle-loading season and one antlerless deer as provided by the license provisions. Currently, the holder of a super pack license may take 2 deer, one deer

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during the regular open firearm season only and one antlerless deer as provided by the license provisions. It would also make changes to certain ice fishing provisions in accordance with MCJUSTIS.

Enacted law summary

Public Law 2005, chapter 477 does the following:

1. It changes the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;
2. It changes the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime and increases the fine to a mandatory minimum fine of \$1,000 and at least 3 days in jail;
3. It clarifies where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;
4. It clarifies that the prohibition on possessing, selling or transporting an endangered or threatened species includes the parts of those species;
5. It provides a resident disabled veteran a complimentary migratory waterfowl permit, a bear hunting permit and a guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;
6. It clarifies that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook;
7. It adds snowmobiles and all-terrain vehicles to the provision of law regarding the admissibility in court of hospital test results when a person has been involved in an accident while operating a motor vehicle or watercraft under the influence;
8. It adds .17 caliber firearms to the law prohibiting the use of .22 caliber firearms for hunting deer and moose;
9. It removes Long Lake Wildlife Management Area in Aroostook County from the list of designated wildlife management areas;
10. It clarifies that certain existing laws pertaining to hunting also apply to hunting with crossbows;
11. It allows a super pack licensee to harvest one deer during either the open firearm season or the special archery season or the special muzzle-loading season and one antlerless deer as provided by the license provisions. Prior to Public Law 2005, chapter 477, the holder of a super pack license could take 2 deer; one deer during the regular open firearm season only and one antlerless deer as provided by the license provisions; and
12. It makes changes to certain ice fishing provisions in accordance with MCJUSTIS.

Public Law 2005, chapter 477 was enacted as an emergency measure effective March 8, 2006.

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LD 1967

An Act To Support Fishing Derbies

**PUBLIC 495
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND PLUMMER	OTP-AM	S-463

LD 1967 proposed to increase from \$25,000 to \$100,000 the maximum total value of prize money for a fishing derby that is held in conjunction with the Department of Inland Fisheries and Wildlife's fisheries management objectives.

Committee Amendment "A" (S-463) proposed to restrict the location of a derby where the maximum total value of prizes is \$100,000 to Sebago Lake in Cumberland County.

Enacted law summary

Public Law 2005, chapter 495 increases from \$25,000 to \$100,000 the maximum total value of prize money for a fishing derby that is held on Sebago Lake in Cumberland County and is conducted in conjunction with the Department of Inland Fisheries and Wildlife's fisheries management objectives.

Public Law 2005, chapter 495 was enacted as an emergency measure effective March 16, 2006.

LD 2050

**Resolve, To Allow the Department of Inland Fisheries and Wildlife
To Convey a Part of a Parcel of Land in the Town of Fairfield**

RESOLVE 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-922

LD 2050 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Fairfield.

Committee Amendment "A" (H-922) proposed to provide that the land may be sold for the appraised fair market value.

Enacted law summary

Resolve 2005, chapter 179 authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Fairfield for the appraised fair market value.

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LD 2057

An Act To Implement the Recommendations of the ATV Trail Advisory Council

PUBLIC 626

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-947

LD 2057 proposed to implement certain recommendations of the ATV Trail Advisory Council report as follows.

1. It would set the ATV registration fee at \$60 for both residents and nonresidents, except that the fee is \$30 if the applicant belongs to a Maine nonprofit organization that is recognized by the Department of Conservation as an organization that maintains ATV trails. The current ATV registration fee is \$33 for residents and \$68 for nonresidents.
2. It would provide the Commissioner of Inland Fisheries and Wildlife with the discretion to suspend all licenses and permits issued by the department for at least one year for certain violations of ATV laws. Current law mandates the suspension of licenses and permits for such violations.
3. It would raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and require a person less than 14 years of age to be accompanied by an adult even after the completion of the training course.
4. It would lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.
5. It would provide that an ATV could be operated on a public way for up to 500 yards if it could be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

Committee Amendment "A" (H-947) proposed to do the following:

1. It would remove the provisions from the bill regarding ATV registration fees;
2. It would remove provisions of the bill that would amended the law regarding the training and age requirements for operating an ATV;
3. It would give the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations were suspended, it would be for a period of at least 90 days;
4. It would require the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer; and
5. It would create 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications.

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House Amendment "A" to Committee Amendment "A" (H-961) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Senate Amendment "A" to Committee Amendment "A" (S-564) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Enacted law summary

Public Law 2005, chapter 626 implements certain recommendations of the ATV Trail Advisory Council report as follows.

1. It gives the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations are suspended, it must be for a period of at least 90 days;
2. It requires the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer;
3. It creates 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications; and
4. It provides that an ATV may be operated on a public way for up to 500 yards if it can be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

LD 2066

**Resolve, Regarding Legislative Review of Portions of Chapter
1.03: Waters of Special Significance, a Major Substantive Rule of
the Department of Inland Fisheries and Wildlife**

RESOLVE 172

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2066 proposed to provide for legislative review of portions of Chapter 1.03: Waters of Special Significance, a major substantive rule of the Department of Inland Fisheries and Wildlife.

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Enacted law summary

Resolve 2005, chapter 172 authorizes the Department of Inland Fisheries and Wildlife to adopt proposed major substantive rules, Chapter 1.03: Waters of Special Significance, regarding the designation and management of brook trout waters.